

TERRE HAUTE

A LEVEL ABOVE

APPLICATION FOR REZONING PETITION .CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 11

COMMON ADDRESS OF LOTS TO BE REZONED:

2527 S. 1st Street, Terre Haute, IN 47802

Current Zoning: R-1 Single Family

Requested Zoning: C-2 Community Commerce District

Proposed Use: Recreation Establishment

Name of Owner: Howard J. and Stacey B. Johnson

Address of Owner: 2984 Winthrop Rd., Terre Haute, IN 47802

Phone Number of Owner: 812-299-5867

Attorney Representing Owner: Rhonda D. Oldham

Address of Attorney: 191 Harding Av., Terre Haute, IN 47807

Phone Number of Attorney: 812-238-2421

For Information Contact: Rhonda D. Oldham

Council Sponsor: Amy Auler

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

MAR 02 2012

CITY CLERK

SPECIAL ORDINANCE NO. 11, 2012

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-12 I, thereof, District Maps, is hereby amended to read as follows:

Lots Numbered 21 and 22 in Krumbhaar Place Land Company's First Subdivision, being a Subdivision of Lots 1-2-5-6-9-10-13-14-17-18-21 in Krumbhaar Place, a Subdivision of part of the Southwest Quarter of Section 33, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Parcel #84-06-33-331-006.000-002

Commonly known as: 2527 S. 1st Street, Terre Haute, Indiana 47802

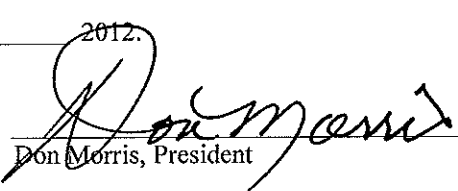
be and the same is, hereby established a C-2 Community Commerce District together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member,


Amy Auler, Councilperson

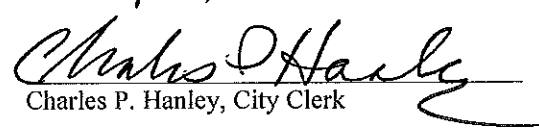
Passed in open Council this 19th day of April 2012.


Don Morris, President

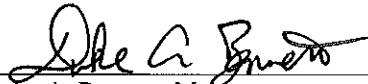
ATTEST:


Charles P. Hanley, City Clerk

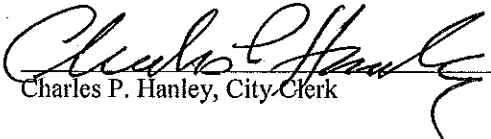
Presented to me the Mayor of the City of Terre Haute, this 20th day of April 2012.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ~~20th~~ day of April, 2012.


Duke A. Bennett, Mayor


ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by:

Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.


Rhonda D. Oldham

PETITION TO REZONE REAL PROPERTY #11

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Howard J. and Stacey B. Johnson, husband and wife, respectfully submit this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Numbered 21 and 22 in Krumbhaar Place Land Company's First Subdivision, being a Subdivision of Lots 1-2-5-6-9-10-13-14-17-18-21 in Krumbhaar Place, a Subdivision of part of the Southwest Quarter of Section 33, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Parcel #84-06-33-331-006.000-002

Commonly known as: 2527 S. 1st Street, Terre Haute, Indiana 47802

Your petitioners are informed and believe that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-1 Single Family.

Your petitioners would respectfully state that the real estate is now R1 Single Family. Your petitioners intend to use the real estate as a recreation establishment.

Your petitioners would request that the real estate described herein shall be zoned as a C-2 Community Commerce District. Your petitioners would allege that such use would not alter the general characteristics of this neighborhood.

Your petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioners respectfully request that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community Commerce District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 12th day of March, 2012.

BY: Howard J. Johnson
Howard J. Johnson

BY: Stacey B. Johnson
Stacey B. Johnson

PETITIONERS: Howard J. and Stacey B. Johnson, husband and wife, 2984 Winthrop Rd., Terre Haute, IN 47802

This instrument was prepared by:

Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAY 09 2011

Timothy M. Hyslop
VIGO COUNTY AUDITOR

2011005789 WD \$18.00
05/09/2011 11:23:03A 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH that Paul Clingerman and Susan Clingerman, "Grantors" of VIGO County, State of Indiana, CONVEYS, GRANTS, AND WARRANTS to Stacey B. Johnson and Howard J. Johnson, as wife and husband, "Grantees" of Vigo County, State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Lots Numbered 21 and 22 in Krumbhaar Place Land Company's First Subdivision, being a Subdivision of Lots 1-2-5-6-9-10-13-14-17-18-21 in Krumbhaar Place, a Subdivision of part of the Southwest Quarter of Section 33, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Taxes shall be prorated to the date of this deed.

DATED this 5 day of May, 2011.

Paul Clingerman
Paul Clingerman

Susan Clingerman
Susan Clingerman

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this
5 day of May, 2011, personally appeared Paul Clingerman and
Susan Clingerman, and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official
seal.

My Commission Expires:

10-12-11



Shannon L. Harrison
Notary Public
Printed: SHANNON L. HARRISON
Residing in 0190 County

Mail Tax Statements To Grantee at: 2984 Winthrop Rd., Terre Haute
IN 47802

Mail Deed To: Integrity Title Services, 1721 Wabash Ave., Terre Haute, IN 47807

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security
number in this document, unless required by law.

John A. Gurchiek, Esq.

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 6327, Fishers, IN
46038, at the specific request of the parties of their authorized representatives based solely on information
supplied by one or more of the parties to this conveyance. The drafter assumes no liability for any errors,
inaccuracy, or omissions in this instrument resulting from the information provided and makes no
representation regarding the status or quality of the title hereby conveyed by Grantor's execution and
Grantee's acceptance of this instrument.
CMT: 11 048JGT

COME NOW affiants, Howard J. and Stacey B. Johnson, husband and wife, and affirm under penalty of law that affiants are the owners of record of the property located at 2527 S. 1st St. , Terre Haute, IN 47802 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

Howard J. Johnson

Stacey B. Johnson

WITNESS my hand and notarial seal, this 1st day of March, 2012.

Notary Public:

My Commission Expires: 12-27-17

Marlene H. Turner

My County of Residence:

WITNESS my hand and notarial seal, this 1st day of March, 2012.

Notary Public:

My Commission Expires: 12-27-17

Marlene H. Turner

My County of Residence:



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

TERRE HAUTE
A CITY ABOVE

Terre Haute • West Terre Haute • Riley • Seelyville

Thursday, April 12, 2012

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO SPECIAL
ORDINANCE 11-12

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification of Special Ordinance No. 11-12. This ordinance is a rezoning of property located at 2527 S. 1st Street. The applicant, Howard and Stacey Johnson, petitions the Plan Commission to rezone real estate from zoning classification R-1 to zoning classification C-2, Community Commerce District.

Special Ordinance No. 11-12 was published in the Tribune Star Newspaper in accordance with IC 5-3-1 and Section 10-263.d of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department.

The Area Plan Commission considered Special Ordinance No. 11-12 at a public meeting and hearing held Wednesday, April 11, 2012. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance no. 11-12 as required by IC 36-7-4-302. No remonstrators were present. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 11-12 as required by IC 36-7-4-401(a) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 11-12 was FAVORABLE.

Fred. L. Wilson, President
Area Plan Commission

Jeremy Weir, Executive Director
Area Planning Department

Received this 12th day of April, 2012

City Clerk